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REMARKS

Reconsideration of the application as amended is requested.

Applicants request a one-month extension of time for responding to the Office Action, and a fee and petition to this effect are enclosed.

Applicants note with appreciation the Examiner's indication that claims 27-31 are allowed, and that claims 1-6, 11, 12, 17 and 18 contain allowable subject matter. Claims 11 and 17 have been rewritten in independent form to include all the limitations of the base claim and any intervening claims, such that these claims are now believed to be in condition for allowance. Claim 18 depends from claim 17, and is therefore also believed to be in condition for allowance.

In the Office Action dated February 27, 2003, the specification was objected to because the related application information on page 6 was not complete. Applicants have updated this information.

Claims 1, 12 and 13 were rejected under 35 U.S.C. §112 (second paragraph) as being indefinite. Claim 1 have been amended to clarify that the first connector is attached to the partition frame at first and second portions of first and second frames.

Claim 12 has been rewritten in independent, and also has been amended to clarify that the first and second support members include a pair of extensions, and is therefore believed to be allowable pursuant to the Examiner's indication to this effect.

Claim 13 has been amended to clarify that the support member is connected to a selected one of the first and second partition frames.

In view of these amendments, claims 1, 12 and 13 are now believed to be clear and definite, thus meeting the requirements of 35 U.S.C. §112.

In the Office Action dated February 27, 2003, claims 7-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Fox et al. U.S. Patent No. 5,606,919, claims 13-16 and 19-24 were rejected under 35 U.S.C. §102(a) as being anticipated by Rothschild U.S. Patent No. 6,023,896, and claims 25 and 26 were rejected under 35 U.S.C. §102(a) as being anticipated by Chau et al. U.S. Patent No. 6,101,773. Applicants respectfully submit that all pending claims, as amended herein, patentably distinguish over the cited references.

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Claim 7 has been amended to more clearly recite Applicants' partition including, among other features, a partition frame, and a horizontally extending raceway defining an elongated passageway configured to retain utility lines. A vertically extending support member includes a connector that is connected to the partition frame. The support member supports the raceway vertically spaced above the upper frame member.

Applicants respectfully submit that Fox '919 does not disclose or suggest such an arrangement. Applicants' elevated raceway, as recited in claim 7, can be connected to a partition frame to position the raceway in a vertically spaced relationship relative to the frame.

In contrast, Fox teaches a partition frame having posts that extend above rail 13. The post assemblies 11 (11') include an elongated upright tubular post member 16 (16'). Applicants submit that such a tubular member cannot anticipate the arrangement of amended claim 7 which includes a partition frame with vertical frame members and a vertically extending support member including a connector that is connected to the partition frame and that supports a raceway vertically spaced above an upper frame member. The Fox '919 reference also does not disclose or suggest modification of the tubular post members to include both vertical frame members and a vertically extending support member including a connector as recited in claim 7.

Claims 8-10 depend from claim 7, and are therefore believed to be allowable for those reasons set forth above with respect to claim 7.

Claim 13 recites, among other features, first and second partition frames, each having a horizontal upper edge at different elevations. The partition frames have lower portions configured to support the frames freestanding on a floor surface. An elongated horizontal raceway includes a support member connected to a selected one of the first and second partition frames supporting the raceway vertically spaced above the upper edges of the first and second partition frames.

As an initial matter, Applicants note that the partition frames of claim 13 are freestanding partition frames, not a floor to ceiling system such as the partition system of Rothschild '896. Also, at column 7, line 52, Rothschild '896 states that the height of the upper panel opening varies according to the position of telescope extension elements 52 (Figs. 19A-

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19C). thus, the telescoping arrangement of Rothschild '896 is specifically designed for full height, floor-to-ceiling applications. With reference to Figs. 19A-19C, each of the panel units 12 includes a frame that is of the same height, not different heights as recited in claim 13. Rothschild '896 further states that the upper panel 58 (Fig. 2) must therefore be sized appropriately for each floor-to-ceiling height. Accordingly, Rothschild '896 actually teaches panel units 12 of a single height with upper panels 58 that are varied. However, Rothschild '896 does not teach or suggest adjacent partition frames having upper edges with different elevations and an elongated horizontal raceway spaced above the upper edges of the partition frames. The Rothschild '896 partition system can be sized for different floor to ceiling heights, but Rothschild '896 does not teach or suggest freestanding partition frames of different height having an elevated horizontal raceway.

Claims 14-16 and 19-24 depend from claim 13, and are therefore believed to be allowable for those reasons set forth above with respect to claim 13. Furthermore, claim 19 recites that the first and second partition frames each include a horizontal row of openings adjacent the upper edges, and a support member including an extension engaging at least a selected one of the openings to connect the support member to a selected one of the first and second partition frames. Applicants submit that Rothschild '896 does not disclose or suggest any such arrangement. The telescopic elements 52 do not in any way engage a horizontal row of openings, and Rothschild '896 does not teach or suggest any such arrangement.

Claim 25, as amended, recites a partition frame comprising a vertical frame member including a pair of vertical rows of openings. A clip for routing and retaining utility lines along the vertical frame member includes a pair of extensions extending inwardly towards one another and received within selected ones of the openings. With reference to Figs. 12 and 13 of the present application, clips 80 and 80A include extensions 81 that are received within the vertical row of openings 18 along a side edge 82 (Fig. 1) of a partition frame 60. The clips 80 and 80A are described in the specification at the bottom of page 9 through the top of page 10. Applicants submit that Chau '773 does not disclose or suggest any such clips. The mounting blocks 58 (Fig. 4) of Chau '773 include hooks 68 and 72. However, the hooks of Chau '773

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do not extend inwardly towards one another, such that Chau '773 cannot anticipate claim 25 as amended herein.

Claim 26 depends from claim 25, and is therefore believed to be allowable for those reasons set forth above with respect to claim 25.

Applicants have also added new claim 32. Claim 32 is somewhat similar to original claim 7, and recites that the vertically extending support member is connected to the horizontally extending upper frame member of the partition frame, and supports the raceway on the upper frame member. New claim 33 depends from claim 32, and further recites that the support member is horizontally spaced from the vertical frame members. Applicants respectfully submit that the cited references do not disclose or suggest any such arrangement.

Applicants have made a concerted effort to the place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,

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By: Price, Heneveld, Cooper,
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